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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

UNITED STATES OF AMERICA,  Plaintiff,  v.  MARIAH KEISHA BUTLER,  Defendant.	<b>MOTION TO SET A TRIAL DATE</b>  Case No. 1:20 CR 23 HCN
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Defendant, Mariah Keisha Butler, by and through her counsel of record, Robert L. Steele, hereby moves this Court to set a trial date now that the Court has found that Ms. Butler is competent to proceed. Defendant requests that the trial be set at least 120 days from today's date. This motion is based on the following:

Counsel and Ms. Butler met for the first time in person on April 27, 2023, and started work on the case. Counsel has already done an initial interview concerning Ms. Butler's social history and will need the time to collect records, interview people, and have other team members further interview Ms. Butler. Ms. Butler and Counsel need to review the evidence in the case in order to prepare for trial or the filing of motions. Counsel and the Government need to discuss possible settlements of the case. The time requested is necessary to accomplish or at least start on all of these tasks.

No time has elapsed under the Speedy Trial Act. Time has been excluded under the Speedy Trial Act from the date of the oral motion for a competency evaluation made in court on September 27, 2021, until the finding of competence was made in court on April 27, 2023. *See* 18 U.S.C. §§ 3161(h)(1)(a). From the date of Ms. Butler's initial appearance on June 19, 2020, until the making of the oral motion for a competency evaluation, the Court has been under a series of General Orders continuing all trials and excluding time under the Speedy Trial Act. Time is excluded from the making of this motion until the new date set for the trial. *See* 18 U.S.C. §3161(h)(7)(A).

Assistant United States Attorney Carol Dain has been consulted and she stipulates to a trial date being set in approximately 120 days.

Ms. Butler is detained. She has been counseled as to her rights under the STA and waives her right to a speedy trial in order to allow her counsel to adequately prepare. She agrees that the defense will not be hindered or prejudiced by the delay.

There are no co-defendants.

Scheduling trial in 120 days will allow counsel for the Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.<sup>1</sup> Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial.<sup>2</sup>

### **CONCLUSION**

For these reasons, Ms. Butler requests that a trial date be scheduled approximately 120 days from the date of this motion. The ends of justice served by granting this motion outweigh the interests of the public and the defendant in a trial; therefore, the time requested is excludable under 18 U.S.C. § 3161(h)(7).

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<sup>1</sup> [\*Id.\* § 3161\(h\)\(7\)\(B\)\(iv\).](#)

<sup>2</sup> [\*Id.\* § 3161\(h\)\(7\)\(A\).](#)

DATED this 28<sup>th</sup> day of April, 2023.

/ s / Robert L. Steele  
ROBERT L. STEELE  
Assistant Federal Defender